

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 10, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FORREST ARTHUR BEGGS,
Petitioner,

v.

DEAN MASON,
Respondent.

1:24-cv-03002-SAB

**ORDER DENYING
OBJECTIONS**

On April 29, 2024, the Court dismissed Petitioner Forrest Arthur Beggs' Petition for Writ of Habeas Corpus with prejudice. ECF No. 11. The Court concluded that Petitioner had failed to demonstrate that his Petition was timely filed on January 11, 2024. *Id.* at 2–4. Petitioner then filed “Objections to Judge’s Report Fed. R. Civ. P. 72(b),” ECF No. 13. On June 4, 2024, Petitioner filed a Notice of Appeal. ECF No. 14.

Petitioner is proceeding *pro se*. The filing fee was paid. Respondent was not served. Petitioner’s Objections were considered without oral argument on the date signed below.

Federal Rule of Civil Procedure 72 concerns the pretrial orders of Magistrate Judges. As such, this rule does not apply to a final dispositive order of a U.S. District Court Judge.

ORDER DENYING OBJECTIONS # 1

1 It appears that Petitioner is asking this Court to reconsider the decision
2 dismissing his habeas petition. “[A] motion for reconsideration should not be
3 granted, absent highly unusual circumstances, unless the district court is presented
4 with newly discovered evidence, committed clear error, or if there is an intervening
5 change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656,
6 665 (9th Cir.1999). A motion for reconsideration “may not be used to raise
7 arguments or present evidence for the first time when they could reasonably have
8 been raised earlier in the litigation.” *Kona Enters., Inc. v. Estate of Bishop*, 229
9 F.3d 877, 890 (9th Cir. 2000). Thus, a party seeking reconsideration must show
10 more than a disagreement with the Court’s decision or restatements of arguments
11 that were already considered by the Court in rendering its decision.

12 Here, Petitioner has not met this burden. Petitioner now asserts that he was
13 sentenced on October 28, 2022, ECF No. 13 at 5. Nevertheless, the Felony
14 Judgment and Sentence, attached to his Response to the Order to Show Cause, has
15 a file date of October 28, 2021. ECF No. 9-1 at 2–7. Consequently, Petitioner’s
16 assertion is not well taken.

17 Petitioner has not provided newly discovered evidence, nor has he shown
18 there was an intervening change in the controlling law. Rather, it appears Petitioner
19 disagrees with the Court’s decision and continues to make arguments that were
20 already considered by the Court.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Petitioner's "Objections to Judge's Report Fed. R. Civ. P. 72(b)," ECF No. 13, is **DENIED**.

2. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore **DENIED**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to Petitioner at his last known address.

DATED this 10th day of June 2024.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
Chief United States District Judge